

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Karl SKJONNEMAND

Examiner: DUDEK, James A.

Serial No.: 10/533,422

Group Art Unit: 2871

Filed: April 29, 2005

Title: OPTICALLY COMPENSATED ELECTRO-OPTICAL LIGHT MODULATION  
ELEMENT WITH OPTICALLY ISOTROPIC PHASE

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on May 15, 2007, applicants elect with traverse species II, with associated claims 2 and 9-10. The traversal is on the basis that the PTO has not established that it would pose an undue burden to examine the full scope of the application.

In accordance with M.P.E.P. 803.02, the Examiner is reminded that, should no prior art be found which renders the invention of the elected species unpatentable, the search of the remainder of the generic claim(s) should be continued in the same application. Since the decisions in *In re Weber*, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) and *In re Haas*, 580 F.2d 461, 198 USPQ 334 (CCPA 1978), it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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